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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/686,653 10/10/00 YAMAZAKI

S 07977/084002

020985
FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO CA 92122

MM91/1018

EXAMINER

TON, M

ART UNIT

PAPER NUMBER

2871

DATE MAILED:

10/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/686,653

Applicant(s)

YAMAZAKI ET AL.

Examiner

Toan Ton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6160600. Although the conflicting claims are not identical, they are not patentably distinct from each other because they contain common subject matter such as the interlayer insulating layer covering first and second TFTs and being a multi-layer film of SiN and SiO.

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It is known in the art that liquid crystal material employing HAN mode yield several advantages including high response speed.

Claim Rejections - 35 U.S.C. § 103

3. Claims 1-3, 5-6 are rejected under 35 U.S.C. 103(e) as being unpatentable Hirakata et al (US 5977562).

See Figures 1-5.

It is known in the art that liquid crystal material employing HAN mode yield several advantages including high response speed.

4. Claims 1-6, 19, 21-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al (US 6108065).

See Figures 1-2.

It is known in the art that liquid crystal material employing HAN mode yield several advantages including high response speed.

ITO is a known and common material used for pixel and counter electrodes.

It is known in the art that a reflective-type LCD device yields several advantages, e.g., no backlight, over a transmissive-type LCD device. The reflective-type LCD device commonly comprises a reflecting layer disposed on the lower-substrate's side.

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5. Claims 7, 9-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al as applied to claims 1-6, 19, 21-24 above, and further in view of Misawa et al (US 5250931).

A conventional peripheral driving circuit is generally composed of semiconductor chips such as an integrated circuit (IC). Misawa discloses that such conventional peripheral driving circuit suffers several problems such as low reliability for the connections, high manufacturing costs (col. 1, lines 30-68). Misawa solves the problems through the use of TFTs rather than semiconductor chips for the driving circuit (see col. 2, lines 7-12). Therefore, it would have been obvious to one of ordinary skill in the art to employ TFTs for the driving circuit.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

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pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

7. Applicant's arguments filed 08-06-01 have been fully considered but they are not persuasive.

Applicant's only arguments are as follows :

(1) US 6,160,600 ("the '600 patent") recite a reflective display device, whereas the claimed invention recites a method of driving a reflective display device.

(2) The '600 patent fails to recite HAN mode.

(3) Hirakata is not prior art to the present application because the application is entitled to a foreign priority date of November 17, 1995. The U.S. filing date of Hirakata is November 14, 1996.

Examiner's responses to Applicant's only arguments are as follows :

(1) It is noted that the claimed invention is rejected under the judicially created doctrine of obviousness-type double patenting (not 35 U.S.C 101) as being unpatentable over the '600 patent.

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(2) It is known in the art that liquid crystal material employing HAN mode yield several advantages including high response speed. Further, the '600 patent discloses HAN mode.

(3) There is no certified translation in English of the foreign priority document dated November 17, 1995. Thus, Hirakata is still prior art since the U.S. filing date of Hirataka (November 14, 1996) is before the effective U.S. filing date of the present invention (November 18, 1996).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. TON whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

October 17, 2001


TOANTON
PRIMARY EXAMINER